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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/866,505

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Randolph L. Durrant

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7590

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/866,505	Applicant(s) DURRANT ET AL.	
	Examiner Phirin Sam	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15, 17-23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 11, 16 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

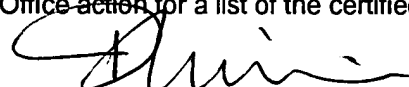
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,892,758 (hereinafter referred as “Argyroudis”).

Argyroudis discloses the invention (**amended claim 25**) as claimed including a method of radio telemetry using a monitoring device configured to operate in a network of monitoring devices, comprising:

- (a) acquiring monitoring data (see Fig. 2, col. 10, lines 23-31);
- (b) receiving a command to establish a circuit switched data communication with a network-based monitoring application (see Fig. 2, col. 10, lines 32-37);
- (c) establishing a packet data connection with the network-based monitoring application through a network of radio telemetry devices in response to the command to establish a circuit switched data communication (see Fig. 2, col. 10, lines 38-43).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6, 7, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,246,677 (hereinafter referred as "Nap") in view of US Patent 6,100,817 (hereinafter referred as "Mason, Jr.").

Regarding amended claim 1, Nap discloses a monitoring system, comprising:

- (a) a central gateway configured to interface with the monitoring system to a WAN (see Figs. 6A and 6B, elements 24 and 22, col. 7, lines 17-28);
- (b) a network of monitoring devices (see Figs. 6a and 6b), each monitoring device having a meter interface to acquire monitoring data from a meter and a radio-interface to transmit the acquired monitoring data to the central gateway (see Figs. 6a and 6b, col. 5, lines 16-24, col. 6, lines 20-32);

Nap does not disclose receiving monitoring data from other monitoring devices and to relay the received monitoring data to the central gateway. However, Mason, Jr. discloses receiving monitoring data from other monitoring devices and to relay the received monitoring data from other monitoring devices and to relay the received monitoring data from other monitoring devices to the central gateway (see Fig. 1, elements 12a, 12b, 12c, and 12d, col. 6,

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lines 27-39). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine receiving monitoring data from other devices teaching by Mason, Jr. with Nap. The motivation for doing so would have been to provide to permit data to flow from other meters to a host computer system without human intervention read on col. 1, lines 31-32. Therefore, it would have been obvious to combine Mason, Jr. and Nap to obtain the invention as specified in the claim 1.

Regarding amended claim 2, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 3, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding amended claim 4, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 5, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 6, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 7, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 26, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

Regarding claim 27, Manson, Jr. and Nap disclose these limitations as described in amended claim 1.

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4. Claims 8-10, 12-15, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,246,677 (hereinafter referred as "Nap") in view of US Patent 5,892,758 (hereinafter referred as "Argyroudis").

Regarding amended claim 8, Nap discloses a monitoring system, comprising:

- (a) a central gateway configured to interface the monitoring system to a network-based monitoring application (see Figs. 6a and 6b, element 24);
- (b) a network of radio telemetry device, each radio telemetry device comprising:
 - (b1) a monitoring device (see Figs. 6a and 6b, element 22, col. 5, lines 21-24);
 - (b2) a radio module configured to communicate with other radio telemetry devices and the central gateway (see Fig. 5b, elements 22, 26, and 24, col. 5, lines 51-53, col. 7, lines 3-35);
 - (b3) a processor coupled with the radio module and the monitoring device, the processor (see Fig. 7):
 - (b3a) receive monitoring data from the monitoring device (see Fig. 7, element 56, col. 7, lines 55-65);
 - (b3b) receiving a command to establish a circuit switched data communication with the network-based monitoring application from the monitoring device (see Fig. 7, col. 7, lines 55-65);
 - (b3c) establishing a packet data connection with the network-based monitoring application through the central gateway using the radio module in response to the received command (see Fig. 10, col. 14, lines 32-56).

Nap does not disclose receiving a command to establish a circuit switched data communication and establishing a packet data connection. However, Argyroudis discloses

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receiving a command to establish a circuit switched data communication and establishing a packet data connection (see Fig. 2, col. 10, lines 32-43). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a command to establish a circuit switched data communication and establishing a packet data connection teaching by Argyroudis with Nap. The motivation for doing so would have been to provide to exchange the communication via WAN (Internet). Therefore, it would have been obvious to combine Argyroudis and Nap to obtain the invention as specified in the claim 8.

Regarding claim 9, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 10, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 12, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding amended claim 13, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 14, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 15, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 17, Argyroudis and Nap disclose these limitations as described in amended claim 8.

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Regarding claim 18, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 19, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 20, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding amended claim 21, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 22, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Regarding claim 23, Argyroudis and Nap disclose these limitations as described in amended claim 8.

Allowable Subject Matter

5. Claims 11, 16, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- (1) US Patent 9,836,737 (Petite et al) discloses systems and methods for providing remote monitoring of consumption for a utility meter.
- (2) US Patent 6,747,571 (Fierro et al) discloses utility meter interface system.
- (3) US Patent 6,512,463 (Campbell et al) discloses bi-directional protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: August 1, 2005



PHIRIN SAM
PRIMARY EXAMINER